

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**NELSON VARGAS CORDERO
MARY J. RODRIGUEZ QUINONES
DEBTORS**

**CASE NO 98-10612-ESL
CHAPTER 13**

IN RE:

**NELSON VARGAS CORDERO
MARY J. RODRIGUEZ QUINONES**

PLAINTIFFS

Vs.

**COOPERATIVA DE AHORRO Y CREDITO
NUESTRA SENORA DE LA CANDELARIA;
JOHN DOE and JANE ROE;
X,Y, AND/OR Z INS. COS.**

ADV. NO.: 11-00151

**VIOLATION OF DISCHARGE
INJUNCTIVE RELIEF /
CONTEMPT/DAMAGES**

DEFENDANTS

**JOSE CARRION MORALES
CHAPTER 13 TRUSTEE/PARTY IN INTEREST
CASE # 11-02484**

**PLAINTIFFS' POSITION REGARDING DEFENDANT'S
DOCKET 53 REQUEST FOR EXTENSIONS**

TO THE HONORABLE COURT:

COME NOW, THE PLAINTIFFS in the above-captioned proceeding, acting through counsel and very respectfully inform and pray as follows:

1. Another day, another improbable excuse from CandelCoop, another deadline missed...
2. The Plaintiffs manifest their strong opposition to the Defendant's latest motion at docket 53 to delay and they also denounce the mockery that CandelCoop has converted this proceeding. CandelCoop's actions in this case border on the ridiculous. Even if the Court allows CandelCoop yet another chance to respond, the Court should not countenance such behavior freely, without strong sanctions and corrective measures. Perhaps by exercising its sanctioning powers under 11 USC 105, or allowing Plaintiffs' counsel leave to seek separate monetary sanctions against Defendant under applicable statutes and rules.
3. Similar to CandelCoop's elusive witness (whose affidavit must be so earth-shattering that this Court will have to extend Defendant's responsive deadline for at least a third time now), Plaintiffs and their counsel do not live next to one another. Yet, we have not failed a single deadline and have actively sought to prosecute this proceeding without undue delay or excuse and without unduly burdening the Defendant's opportunity to defend or wasting judicial resources.
4. Plaintiffs are confident in their case, and don't need to rely on default to demonstrate their right to relief. But default, under the law, is an option, a sanction and a legal consequence when parties fail to take the law and the rights of their opponents seriously, as is the case with CandelCoop. To the extent the Court will countenance CandelCoop's latest mockery of this proceeding, we pray a separate order be issued for CandelCoop to show cause why separate and distinct monetary sanctions should not be awarded to Plaintiffs for Defendant's behavior throughout this proceeding. We pray the Court will note the waste of finite and precious judicial resources caused by CandelCoop's behavior.

We pray the Court will note the needless waste and accumulation of attorney time and the undue stress that over-litigating a standard discharge violation case poses for the time and resources of Plaintiffs' counsel.

5. In summary, Plaintiffs pray any untimely filing by CandelCoop be ordered stricken or simply ignored for purposes of this proceeding.

WHEREFORE, Plaintiffs pray that CandelCoop's latest motion to extend the deadline for responding to summary judgment at docket 53 be DENIED. Plaintiffs reiterate their prayers for relief in all pending motions filed by Plaintiffs currently pending before the Court. Finally, Plaintiffs pray the Court consider applying its sanctioning powers to fashion a remedy to correct CandelCoop's unacceptable behavior in this case, including allowing Plaintiffs' counsel to move under applicable statutes and/or rules for a separate sanctions.

RESPECTFULLY SUBMITTED, in Arecibo, Puerto Rico, this 26th day of June, 2012.

By: /s/ Edwin Matos Maldonado
EDWIN MATOS MALDONADO, Esq.
Lead Attorney, USDC 226403

**BUFETE ZENO GLORO
EDWIN MATOS MALDONADO
USDC 226403
FELIX M ZENO GLORO
USDC 124212
LIAVANESSA FONTANEZ RUIZ
USDC 213707**

Attorneys for Plaintiff
**PO BOX 1945; ARECIBO PR 00613
TEL 879-1760 ; FAX 880-2756
tribunal@zenogloro.com**